

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL RAY,

No. 19 CV 6546-LTS-DCF

Plaintiff,

-against-

UNITED STATES POSTAL SERVICE,

Defendant.

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ORDER

The Court has received and reviewed Plaintiff's Motion for Default Judgment and the submissions in support of that motion. (Docket Entry Nos. 15-17.) Defendant United States Postal Service is an agency of the United States. Accordingly, service of the summons and complaint must comply with Federal Rule of Civil Procedure 4(i). See Chin v. United States Postal Service, No. 8-CIV-1035 (FB) (CLP), 2009 WL 1702255, at *1 (E.D.N.Y. June 16, 2009) (Rule 4(i) requires that "in suits against federal agencies, 'a party must serve the United States [by delivering a copy of the summons and complaint both to the United States attorney for the district where the action is brought and to the Attorney General of the United States] and also send a copy of the summons and of the complaint by registered or certified mail to the agency'").

Here, Plaintiff has filed an affidavit stating that service of the summons and complaint in this action was made only to David Burroughs, a "Mail Room Manager" in Washington, D.C. (Docket Entry No. 10.)

Accordingly, Plaintiff's Motion for Default Judgment is denied without prejudice to refiling after proof of proper service of the summons and complaint, in the event Defendant fails to respond in a timely fashion.

This order resolves docket entry number 15.

SO ORDERED.

Dated: New York, New York
March 13, 2020

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge